

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 825

Introduced by Assembly Member Blakeslee

February 26, 2009

An act to amend ~~Section~~ *Sections 8284 and 9011* of the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 825, as amended, Blakeslee. ~~Dungeness crab~~ *Crab* traps.

Existing law regulates the Dungeness ~~and rock crab fishery~~ *fisheries*. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law regulates the size and features of traps that may be used to take Dungeness ~~and rock crab~~, *requires a crab taken with a crab trap used for the other crab species to be returned to the waters from which it was taken, and prohibits possession of both species aboard any vessel when the vessel is being used to take either rock crab or Dungeness crab.*

This bill would ~~make technical, nonsubstantive changes to that trap provision~~ *permit the incidental take of rock crab with a Dungeness crab trap, and of Dungeness crab with a rock crab trap, subject to specified existing law. The bill would delete the prohibition against possession of both species aboard a vessel.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8284 of the Fish and Game Code is*
2 *amended to read:*

3 8284. (a) Subject to this article and Article 1 (commencing
4 with Section 9000) of Chapter 4, crab traps, as described in Section
5 9011, may be used to take Dungeness crab for commercial
6 purposes. Any fish may be taken incidentally in crab traps being
7 used to take Dungeness crab.

8 (b) ~~Any~~ *Except as provided in Section 9011 or subdivision (c),*
9 *any other species taken incidentally in a crab trap being used to*
10 *take rock crab, except as provided in subdivision (e), shall be*
11 *immediately released back to the water.*

12 (c) The following species may be taken incidentally in crab
13 traps being used to take rock crab under a permit issued pursuant
14 to Section 9001 in Districts 19 and 118.5:

15 (1) Kellet's whelk.

16 (2) Octopus.

17 (3) Crabs; other than of the genus *Cancer*, *except as provided*
18 *in Section 9011.*

19 ~~SECTION 1.~~

20 *SEC. 2. Section 9011 of the Fish and Game Code is amended*
21 *to read:*

22 9011. (a) (1) Subject to Article 6 (commencing with Section
23 8275) of Chapter 2, Dungeness crab, as defined in Section 8275,
24 may be taken with Dungeness crab traps.

25 (2) A Dungeness crab trap may have any number of openings
26 of any size. However, every Dungeness crab trap shall have at
27 least two rigid circular openings of not less than 4 ¼ inches, inside
28 diameter, on the top or side of the trap. If both of the openings are
29 located on the side of the trap, at least one of the openings shall
30 be located so that at least one-half of the opening is in the upper
31 half of the trap.

32 ~~(3) Any rock crab taken with a crab trap used pursuant to this~~
33 ~~subdivision to take Dungeness crab shall be immediately returned~~
34 ~~to the waters from which it was taken. No person shall possess~~
35 ~~rock crab aboard any vessel when the vessel is being used to take~~
36 ~~Dungeness crab.~~

37 (3) *Subject to Article 6 (commencing with Section 8275) of*
38 *Chapter 2, rock crab may be taken incidentally with a Dungeness*

1 *crab trap used pursuant to this subdivision to take Dungeness*
 2 *crab. A rock crab, taken incidentally with a Dungeness crab trap,*
 3 *that does not comply with Article 6 (commencing with Section*
 4 *8275) of Chapter 2 shall be immediately returned to the waters*
 5 *from which it was taken.*

6 (b) (1) Subject to Article 6 (commencing with Section 8275)
 7 of Chapter 2, rock crab, as defined in Section 8275, may be taken
 8 with rock crab traps.

9 (2) A rock crab trap may have any number of openings of any
 10 size. However, a rock crab trap constructed of wire mesh with an
 11 inside mesh measurement of not less than $1\frac{7}{8}$ inches by $3\frac{7}{8}$ inches,
 12 with the $3\frac{7}{8}$ inch measurement parallel to the floor, shall have at
 13 least one rigid circular opening of not less than $3\frac{1}{4}$ inches, inside
 14 diameter, located on any outside wall of the rearmost chamber of
 15 the crab trap and shall be located so that at least one-half of the
 16 opening is in the upper half of the trap. Rock crab traps constructed
 17 of other material shall have at least two rigid circular openings of
 18 not less than $3\frac{1}{4}$ inches, inside diameter, on the top or side of the
 19 rearmost chamber of the trap. If both of the openings are located
 20 on the side of the trap, at least one of the openings shall be located
 21 so that at least one-half of the opening is in the upper half of the
 22 trap. No rigid circular opening, as required, shall extend more
 23 than $\frac{1}{2}$ inch beyond the plane of the wall side or top of the trap in
 24 which it is located, and it shall be clearly accessible to any crab
 25 which may be in the trap.

26 ~~(3) No person shall possess any lobster aboard a vessel while~~
 27 ~~the vessel is being used pursuant to this subdivision to take rock~~
 28 ~~crab. Any Dungeness crab taken with a crab trap used pursuant to~~
 29 ~~this subdivision to take rock crab shall be immediately returned~~
 30 ~~to the waters from which it was taken. No person shall possess~~
 31 ~~Dungeness crab aboard any vessel when the vessel is being used~~
 32 ~~to take rock crab.~~

33 (3) *Subject to Article 6 (commencing with Section 8275) of*
 34 *Chapter 2, Dungeness crab may be taken incidentally with a rock*
 35 *crab trap used pursuant to this subdivision to take rock crab. A*
 36 *Dungeness crab, taken incidentally with a rock crab trap, that*
 37 *does not comply with Article 6 (commencing with Section 8275)*
 38 *of Chapter 2 shall be immediately returned to the waters from*
 39 *which it was taken.*

- 1 *(4) A person shall not possess any lobster aboard a vessel while*
- 2 *the vessel is being used pursuant to this subdivision to take rock*
- 3 *crab.*